

## **REVISED** Committee Agenda

Committee: Senate Appropriations  
Room: LCR2  
Date: Friday, February 12, 2010  
Time: 8:00 AM

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Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

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**[SB 50](#) authorize allocation and reallocation of volume, issuance authority, and other benefits in order to facilitate the issuance of bonds and compliance with certain federal requirements and to declare an emergency.**

The Committee on Appropriations at the request of the Bureau of Finance and Management

**[SB 65](#) revise the time frame for the design of a new motor license plate series and the issuance of a new motor license plate design series and to transfer funds from the license plate special revenue fund to the prison industries revolving fund.**

The Committee on Appropriations at the request of the Office of the Governor

**[SB 120](#) revise the appropriations budget transfer process.**

Senators Ahlers, Bartling, Brown, Hundstad, Novstrup (Al), and Tieszen and Representatives Dennert, Brunner, Burg, Gosch, Hoffman, Hunhoff (Bernie), Peters, Putnam, Wink, and Wismer

**[SB 143](#) require the sale of aircraft under the control of the Department of Transportation and to declare an emergency.**

Senators Heidepriem, Abdallah, Bartling, Gillespie, Hanson (Gary), Hundstad, Jerstad, Maher, Miles, Nesselhuf, Peterson, and Turbak Berry and Representatives Hunhoff (Bernie), Blake, Burg, Elliott, Engels, Fargen, Feickert, Feinstein, Frerichs, Gibson, Iron Cloud III, Killer, Kirkeby, Kirschman, Lange, Lucas, Schrempp, Solberg, Sorenson, Street, Thompson, and Vanderlinde

**[SB 162](#) revise certain procedures relating to zero based budgeting.**

Senators Ahlers, Brown, Frysliie, and Hundstad and Representatives Wismer, Dennert, Peters, and Wink

**[SB 174](#) appropriate funds for increased wages for employees of nursing facilities and to transfer funds from the health care trust fund.**

Senators Kloucek, Bartling, Hanson (Gary), and Peterson and Representatives Schrempp, Elliott, Feinstein, Lange, Nygaard, Solberg, Sorenson, and Vanderlinde

**[SB 193](#) expand medicaid eligibility for pregnant women and to provide an appropriation therefor.**

Senators Adelstein, Jerstad, Merchant, and Turbak Berry and Representatives Moser, Blake, Hunhoff (Bernie), Thompson, and Vanderlinde

[SB 102](#)

**provide for mutual consultation between the Legislature and the Department of Game, Fish and Parks prior to the execution of certain leases.**

Senators Knudson and Heidepriem and Representatives Faehn and Hunhoff (Bernie)

BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

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JEAN M. HUNHOFF, Chair

## Committee Agenda

Committee: Senate Health and Human Services  
Room: 412  
Date: Friday, February 12, 2010  
Time: 7:45 AM

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- [SB 69](#)      **authorize certain exceptions to the nursing facility moratorium.**  
The Committee on Health and Human Services at the request of the Office of the Governor
- [SB 160](#)      **allow certain local governments to participate in the state health insurance plan.**  
Senators Garnos, Kloucek, and Olson (Russell) and Representatives Van Gerpen, Fargen, Juhnke, and Krebs
- [SB 189](#)      **revise certain provisions regarding nonmedical remedial health services for children.**  
Senators Dempster and Novstrup (Al) and Representatives Van Gerpen, Cutler, and Faehn
- [HB 1045](#)      **revise the definition of anabolic steroid, to provide for the scheduling of tapentadol, lacosamide, and fospropofol as controlled substances, and to declare an emergency.**  
The Committee on Health and Human Services at the request of the Department of Health

### BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

- [SB 107](#)      **provide for the practice and regulation of licensed midwives.**  
Senators Rhoden, Bradford, Frysli, Maher, Nesselhuf, and Schmidt and Representatives Hunt, Brunner, Dennert, Elliott, Feickert, Frerichs, Greenfield, Hoffman, Iron Cloud III, Jensen, Killer, Kirkeby, Kopp, Krebs, Lederman, Noem, Nygaard, Olson (Betty), Schrempp, Sly, Steele, Thompson, Verchio, and Wink

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STANFORD M. ADELSTEIN, Chair

85<sup>th</sup> Legislative Session – 2010

Committee: Senate Local Government

Friday, February 12, 2010

P - Present  
E - Excused  
A - Absent

Roll Call

P Gillespie  
P Kloucek  
P Miles  
P Schmidt  
P Tieszen  
P Bradford, Vice-Chair  
P Gant, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Gant.

MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 10, 2010

Moved by: Miles  
Second by: Tieszen  
Action: Prevailed by voice vote.

THE CHAIR DEFERRED SB 80 UNTIL FRIDAY FEBRUARY 19, 2010

SB 101: authorize certain school districts to conduct pilot school board elections during 2011 using voting centers and electronic records.

MOTION: AMEND SB 101

101fb

On page 1, line 5, of the printed bill, delete "pilot" and insert "2011".

On page 1, delete line 6, and insert "board election using the provisions of this section. The election shall".

On page 2, line 2, delete "and".

On page 2, line 3, after "electronically" insert ";

- (5) The electronic pollbook shall be connected via a secure intranet to a single database of voters registered for this election. As a voter presents himself or herself to vote, the electronic pollbook shall be updated with an indicator that the person has voted. At least every ten minutes the electronic pollbook shall update the single database and any other electronic pollbook with the same information; and
- (6) The entire school district is designated as one voting precinct for this election".

On page 2, line 4, delete "a pilot" and insert "an".

On page 2, line 5, delete "pilot".

On page 2, line 9, delete "pilot".

Moved by: Tieszen  
Second by: Bradford  
Action: Prevailed by voice vote.

MOTION: DO PASS SB 101 AS AMENDED

Moved by: Bradford  
Second by: Miles  
Action: Prevailed by roll call vote. (5-1-1-0)

Voting Yes: Miles, Schmidt, Tieszen, Bradford, Gant

Voting No: Kloucek

Excused: Gillespie

SB 146: revise, under certain circumstances, the vote required to allow a public body to issue bonds.

Presented by: Senator Dan Ahlers

Opponents: Kitty Werthmann, Self, Pierre

MOTION: DEFER SB 146 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Tieszen

Second by: Schmidt

Action: Failed by roll call vote. (3-2-2-0)

Voting Yes: Schmidt, Tieszen, Gant

Voting No: Miles, Bradford

Excused: Gillespie, Kloucek

THE CHAIR DEFERRED SB 146 UNTIL WEDNESDAY FEBRUARY 17, 2010

SB 155: provide for the promulgation and adoption of administrative rules with a substantial financial impact upon political subdivisions of state government.

Presented by: Senator Corey Brown (Handout: 1)

Proponents: Diane Worrall, SD Towns & Townships

Dick Tieszen, SD Sheriffs

Yvonne Taylor, SD Municipal League

Eric Erickson, SD Association of County Officials

Bob Wilcox, SD Association of County Commissioners

Opponents: Andrew Fergel, Department of Revenue & Regulation

MOTION: AMEND SB 155

155ta

On page 1, line 15, of the printed bill, before "If" insert "For purposes of this Act, the term, substantial unfunded financial mandate, means any mandate that results in a cost to the political subdivision of ten thousand dollars or more.".

Moved by: Gillespie

Second by: Miles

Action: Prevailed by voice vote.

MOTION: DO PASS SB 155 AS AMENDED

Moved by: Bradford  
Second by: Gillespie  
Action: Prevailed by roll call vote. (5-1-1-0)

Voting Yes: Gillespie, Miles, Schmidt, Bradford, Gant

Voting No: Tieszen

Excused: Kloucek

MOTION: ADJOURN

Moved by: Gillespie  
Second by: Miles  
Action: Prevailed by voice vote.

Joshua Klumb  
Committee Secretary

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Jason M. Gant, Chair

## Committee Agenda

Committee: Senate State Affairs  
Room: 414  
Date: Friday, February 12, 2010  
Time: 10:00 AM

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### CONFIRMATION TO THE SOUTH DAKOTA LOTTERY COMMISSION

Reappointment of Dick Werner, Beadle County, Huron, South Dakota

[SB 137](#)      **nullify certain federal health care laws within the state of South Dakota.**  
Senators Howie, Abdallah, Adelstein, Bradford, Brown, Fryslie, Gant, Gray, Haverly, Nelson, Novstrup (Al), Rhoden, and Schmidt and Representatives Brunner, Kopp, Russell, and Verchio

[SB 140](#)      **reorganize the Department of Tourism and State Development.**  
Senators Knudson, Abdallah, Adelstein, Bartling, Dempster, Garnos, Hansen (Tom), Nesselhuf, Olson (Russell), Tieszen, and Vehle and Representatives Cutler, Curd, Fargen, Frerichs, Greenfield, Kirkeby, Krebs, Lederman, Lust, McLaughlin, and Noem

[SB 166](#)      **provide for the liquidation of the remaining property of the South Dakota Cement Plant Commission, to provide for the administration and payment of existing liabilities, to provide for the orderly winding up of the commission's affairs, to provide for the transfer of any remaining net proceeds, and to abolish the commission.**  
The Committee on State Affairs at the request of the Office of the Governor

[SJR 4](#)      **Proposing a constitutional amendment to combine the offices of state treasurer and state auditor into the single office of state comptroller.**  
Senators Kloucek and Hundstad and Representatives Schrempp, Blake, Hoffman, Hunhoff (Bernie), Kirkeby, Lange, Sorenson, Thompson, Vanderlinde, and Verchio

[SJR 6](#)      **Proposing and submitting to the electors at the next general election amendments to Articles IV and VIII of the Constitution, to combine the duties of the treasurer and the commissioner of school and public lands.**  
Senators Heidepriem, Ahlers, Hanson (Gary), Hundstad, Jerstad, Maher, Merchant, Miles, Nesselhuf, and Turbak Berry and Representatives Fargen, Blake, Burg, Elliott, Gibson, Kirschman, Lange, Lucas, Schrempp, Solberg, Sorenson, Thompson, Vanderlinde, and Wismer

[SB 135](#)      **provide certain incentives for energy conservation by electric utilities through voltage regulation.**  
Senator Kloucek and Representatives Hoffman, Kirkeby, Lange, and Schrempp

[HB 1005](#)      **make form and style revisions to certain statutes related to the Bureau of Personnel.**  
Representatives Tidemann, Jensen, Kirschman, Kopp, Noem, Schlekeway, and Wismer and Senators Haverly, Bradford, Brown, Garnos, and Hundstad at the request of the Interim Bureau of Personnel Agency Review Committee

[HB 1011](#)      **revise certain provisions related to high-performance green building standards.**  
The Committee on State Affairs at the request of the Bureau of Administration

[HB 1016](#)      **revise certain provisions regarding 911 emergency services.**  
The Committee on State Affairs at the request of the Department of Public Safety

## Committee Agenda

Committee: Senate Taxation  
Room: 412  
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[SB 181](#)      **temporarily increase the state sales and use tax to fund the state budget shortfall and to declare an emergency.**

Senators Adelstein, Bradford, and Nelson and Representative McLaughlin

[SB 192](#)      **modify distributions from the wind energy tax fund.**

Senators Merchant, Brown, Fryslie, Hundstad, and Jerstad and Representatives Street, Bolin, Frerichs, Kirkeby, Nygaard, and Rausch

[HB 1094](#)      **subject the gross receipts of contractors engaged in realty improvement contracts for certain municipal utilities to the contractor's excise tax instead of the alternative contractor's excise tax and to declare an emergency.**

Representatives Solum, Kirschman, and Olson (Ryan) and Senators Nelson, Hansen (Tom), and Maher

[HB 1126](#)      **require property owners of a homestead who are delinquent in paying their property taxes to notify the county treasurer when they meet certain age requirements.**

Representatives Lust, Boomgarden, Conzet, Feickert, Jensen, Kirkeby, Lederman, Moser, Novstrup (David), Peters, Rounds, and Vanneman and Senators Rhoden, Ahlers, Dempster, Haverly, Knudson, Novstrup (Al), and Tieszen

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TOM HANSEN, Chair

## Committee Agenda

Committee: Senate Transportation  
Room: 423  
Date: Friday, February 12, 2010  
Time: 7:45 AM

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- [SB 130](#)      **revise certain provisions concerning the township road system.**  
Senators Fryslie, Hansen (Tom), Hanson (Gary), Maher, Peterson, and Vehle and Representatives Street, Feickert, Frerichs, Lange, McLaughlin, Rausch, Schlekeway, Sorenson, and Van Gerpen
- [SB 176](#)      **revise certain provisions regarding exceptions from billboard regulation.**  
Senator Bartling and Representatives Vanneman and Deadrick
- [SB 182](#)      **provide for the annual adjustment of certain fuel tax rates.**  
Senators Vehle, Brown, and Fryslie and Representatives Krebs and Street
- [HB 1006](#)\*      **repeal, update, and make form and style revisions to certain statutes related to the Department of Transportation.**  
Representatives Krebs, Cronin, Elliott, Juhnke, Lange, Lucas, McLaughlin, Putnam, Steele, Street, Vanneman, and Verchio and Senators Vehle, Ahlers, Fryslie, Knudson, and Merchant at the request of the Long-term Highway Needs and Department of Transportation Agency Review Committee
- [HB 1034](#)      **authorize the collection of a mailing fee if plates or decals are mailed to certain dealers, motor carrier applicants, and boat owners.**  
The Committee on Transportation at the request of the Department of Revenue and Regulation

BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

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MIKE VEHLE, Chair